

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14555 of Doris S. Oloyede, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variances from the prohibition against allowing an addition to a nonconforming structure now exceeding the lot occupancy requirements and where the addition will increase the nonconformity with respect to the lot occupancy requirements (Paragraph 7105.12), the lot occupancy requirements (Sub-section 3303.1), the rear yard requirements (Sub-section 3304.1) and the lot area and width of a closed court to construct a garage in an R-4 District at premises 723 -3rd Street, N.E., (Square 777, Lot 47).

HEARING DATE: February 18, 1987
DECISION DATE: March 4, 1987

FINDINGS OF FACT:

1. The property is located on the east side of 3rd Street between G and H Streets and is known as premises 723 3rd Street, N.E. It is zoned R-4.
2. The lot is rectangular in shape, topographically level, and contains approximately 1,190 square feet of lot area. The lot has a frontage of approximately 17.0 feet along 3rd Street. The lot abuts a fifteen foot wide public alley to the north and a ten foot wide public alley to the east. The lot abuts a row of similar row houses to the south.
3. The lot is currently improved with a two-story plus basement, brick single-family row house which was constructed in 1908.
4. The applicant proposes to construct a garage with a roof top deck at the rear of the site. The proposed garage/deck will be constructed of brick with a sixteen foot garage door opening onto the alley to the north. The height of the walls of the structure will vary from 24 feet where it adjoins the existing residence to twenty feet at the rear property line.
5. The applicant testified that the proposed garage is intended to relieve the existing parking congestion and to provide security.

6. The applicant testified that nineteen townhouses with garages are proposed to be developed in the subject square. The applicant further testified that several of the residences fronting on G Street have existing garages in their rear yards.

7. The record contains one letter in support of the application based on the lack of adverse impact on the area due to the proposed construction of townhouses with garages in the square.

8. The record contains one letter in opposition to the application. The opposition was of the opinion that allowing structures such as garages in the interior area of the square could become unsightly and disjointed and prevent the potential development of the interior of the square as a common area with parking and gardens.

9. Advisory Neighborhood Commission 2C made no recommendation on the subject application.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking area variances, the granting of which requires proof through substantial evidence of an exceptional or extraordinary situation or condition of the property which creates a practical difficulty upon the owner. The Board further must find that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. The burden is upon the applicant to prove its case.

The Board concludes that the applicant has not met the burden of proof in demonstrating an exceptional or extraordinary situation that is inherent in the property itself. The site is rectangular in shape and topographically level. The lot and structure are comparable to the existing rowhouses south of the subject premises. The applicant offered no testimony or evidence which demonstrated that the owner would suffer a practical difficulty if the Zoning Regulations were strictly applied. Accordingly, it is ORDERED that the application is hereby DENIED.

VOTE: 4-0 (Lindsley Williams, William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to deny; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

MAR 11 1988

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

order14555/DEE6